

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:22-cr-00089-MR-WCM**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) ORDER
)
ALEJANDRO REYES-CRUZ,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's "Motion for Sentencing Reduction" [Doc. 19].

The Defendant Alejandro Reyes-Cruz pled guilty to one count of illegal reentry, in violation of 8 U.S.C. § 1326(a), and one count of possession of firearms and ammunition by an illegal alien, in violation of 18 U.S.C. § 922(g)(5). [Doc. 9]. The Court sentenced him on April 13, 2023 to a total term of 46 months' imprisonment. [Doc. 17].

The Defendant now moves for a reduction of his sentence pursuant to Amendments 782 and 821 to the United States Sentencing Guidelines. [Doc. 19].

The Defendant's request for a sentence reduction under Amendment 782 is without merit. Amendment 782 revised the guidelines applicable to

drug trafficking offenses. The Defendant was not convicted of drug trafficking offenses and therefore Amendment 782 is not applicable to him.

The Defendant's request for a sentence reduction under Amendment 821 likewise fails. Part A of Amendment 821 addresses "status points," i.e., the additional history criminal history points given to defendants due to having committed the offense of conviction while under a criminal justice sentence, including probation, parole, supervised release, imprisonment, work release, or escape status. Part B of Amendment 821 amends the Guidelines pertaining to "zero-point offenders," i.e., defendants who did not receive any criminal history points at all. Neither of these provisions is applicable to the Defendant. The Defendant had one criminal history point and was therefore not a "zero-point offender." Further, he did not receive any status points in the calculation of his criminal history. As such, he is not entitled to relief under Amendment 821.

For all of these reasons, the Defendant's motion is denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for Sentencing Reduction" [Doc. 19] is **DENIED**.

IT IS SO ORDERED.

Signed: January 15, 2024



Martin Reidinger
Chief United States District Judge 